

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

K2M DESIGN, INC. c/o Scott Maloney, CEO,
Plaintiff,

-against-

PETER K. SCHMIDT, GENE LIM, and
FILMWEST GLOBAL PARTNERSHIP, LLC,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/21/2024

1:22-cv-03069 (MKV)

DEFAULT JUDGMENT

MARY KAY VYSKOCIL, United States District Judge:

On November 30, 2023, Magistrate Judge Gary Stein issued a Report and Recommendation recommending that the Court grant, in part, Plaintiff's motion for a default judgment against Defendant Peter K. Schmidt. [ECF No. 103]. On March 21, 2024, the Court adopted the Report and Recommendation in its entirety. [ECF No. 110].

Accordingly, IT IS HEREBY ORDERED that judgment by default be entered in favor of Plaintiff and against Defendant Peter K. Schmidt ("Schmidt") as follows:

1. Damages for breach of contract in the amount of \$1,260,000.00;
2. Pre-judgment interest, pursuant to N.Y. C.P.L.R. §§ 5001(a), 5004, at the statutory rate of 9% per annum, from January 6, 2022 until the date of this judgment;¹
3. Post-judgment interest, pursuant to 28 U.S.C. § 1961, from the date of this judgment until payment;
4. Attorneys' fees in the amount of \$192,522.44;
5. Costs and expenses in the amount of \$3,593.28;

¹ Pre-judgment interest is not awarded on the attorneys' fees and costs awarded in this judgment.

Plaintiff's claim for unjust enrichment against Schmidt is dismissed. The Clerk of Court respectfully is requested to terminate the motion pending at docket entry 56 and to terminate Schmidt as a Defendant in this case.

SO ORDERED.

Date: March 21, 2024
New York, NY

Mary Kay Vyskocil
MARY KAY VYSKOCIL
United States District Judge